

REMARKS

In the non-final Office Action dated November 12, 2004, the Examiner rejects claims 3-7, 17-19, and 22-25 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Further, the Examiner rejects claims 1-4, 8, 9, 17-19, 22, 34, and 35 under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application No. 10/249,332 ("Milazzo"). The Examiner supports this rejection with one sentence, "In fig. 3, Milazzo discloses a device having the structure as claimed." The Examiner also rejects claims 1, 17, 18, 19, 22, 34, and 35 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,876,242 ("Eaton"). The Examiner supports this rejection with two sentences, "In fig. 1, Eaton teaches a device having the structure as claimed. It is noted that the base of the hitch ball is considered to be engageable with the cavity to prevent rotation via a frictional engagement." Finally, the Examiner rejects claims 1-4, 8, 9, 17-19, 22, 34, and 35 as being anticipated by U.S. Patent No. 5,884,931 ("McCoy"). Again the Examiner supports this rejection with one sentence, "In fig. 3C, McCoy discloses a device having the structure as claimed."

35 U.S.C. §112 Rejection

The Examiner rejects claims 3-7, 17-19, and 22-25 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. In particular, the Examiner rejects claim 3 as lacking antecedent basis for "said base." However, there is antecedent basis for "said base" in claim 34 "wherein the member is a base integrally formed with the hitch ball." As claim 3 depends indirectly from claim 34, there is antecedent basis for said base therein. Therefore,

Applicants respectfully request the Examiner withdraw the rejection of claims 3-7, 17-19, and 22-25 and indicate those claims as allowable.

35 U.S.C. §102 Rejections

Applicants object to the current §102 rejections of claims 1-4, 8, 9, 17-19, 22, 34, and 35 as lacking completeness and clarity under 37 C.F.R. 1.104(b). The rejections are not informative and do not provide Applicant with any guidance as to the Examiner's application of Milazzo, Eaton, or McCoy to the invention as claimed. Because the current rejections lack specificity and do not clearly articulate how Milazzo, Eaton, or McCoy disclose the invention as claimed, Applicants have not been afforded an opportunity to properly and directly respond on point to the rejections. Therefore, Applicants respectfully request clarification of the §102 rejections and respectfully request that the Examiner identify within Milazzo, Eaton, or McCoy where each and every element of the rejected claims is disclosed. Further, because Applicant has not been afforded an opportunity to respond clearly on the record to the present §102 rejections, Applicants request that any subsequently issued office action based upon Milazzo, Eaton, or McCoy be non-final.

With respect to Eaton, if Applicants are to presume that the disc shaped base 12 reads on the member connected to the hitch bar of Applicants' claims and the raised rim 24 reads on the cavity of the receiver of Applicants' claims, the disc shaped base 12 is not engageable with the raised rim 24 to prevent rotation of the hitch ball during installation. Further, the statement that the hitch ball is engageable with the cavity to prevent rotation via a frictional engagement is inappropriate. Applicants contend that Eaton does not support this contention. There is no reference or suggestion of such in Eaton. As specifically stated in column 2, lines 17-20 of

Eaton, the diameter of the raised rim 24 is slightly larger than the diameter of the ball base 12. Therefore, even if Applicants were to presume some sort of frictional engagement between the two, there would not be enough friction created to prevent the rotation of the hitch ball during installation. During installation of the hitch ball between 120 and 200 ft-lb of torque is required to tighten the hitch ball. This amount of torque would exceed any sort of frictional engagement in Eaton. Any §102 rejection, therefore, of the pending claims of the present application using Eaton is inappropriate.

Likewise, it is very clear from McCoy that it does not disclose or even teach at least one cavity wherein the member of the hitch ball engages the cavity to prevent rotation. The locking element 18 of McCoy engages the hitch ball-mounting aperture 34, not a cavity in the hitch ball receiver. Therefore, any rejection of the pending claims of the present application using McCoy is similarly inappropriate.

Therefore, the claims as pending in the present application are provided above with no amendments thereto. Applicants respectfully request the claims be indicated as allowable over the references. Should the Examiner have any questions pertaining the to above, undersigned Counsel would welcome a phone call to provide any further clarification.

Respectfully submitted,



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